

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Tetsuo NAKANISHI et al. : Group Art Unit.: 4161
Serial No.: 10/527,671 : Examiner: Tigabu KASSA
Filed: March 11, 2005 :

Title: NOVEL ORGANOPOLYSILOXANE POLYMER, PASTY COMPOSITION, AND
COSMETIC PREPARATION CONTAINING THE SAME COMPOSITION

REPLY

Mail Stop: **AF**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In response to the Office Action mailed on May 3, 2010, please consider the following.

The Office Action alleges that "It would have been prima facie obvious to the ordinarily skilled artisan to crosslink the organopolysiloxane of Shioya et al. because Sakuta teach the cross-linking of silicone polymers. (Lines 1-3, OA page 7) ..." and "Sakuta is incorporated in the reference to clearly show that cross-linking organopolysiloxane is a commonly known procedure conventionally performed by an ordinary skill in the art and it has advantageous such as excellent water and oil repellence wherein the polymer swells relative to the oil and thereby achieve a more stable, functional cosmetic composition. (Lines 12-16, OA page 9)".

Shioya (US 5,144,054) mentions that an emulsion material more excellent in emulsion stability can be obtained when polyglycerol-modified silicone is used as an emulsifying agent than when polyether-modified silicone is used as an emulsifying agent (Lines 13~18, Column 29, Table 1).

However, the polyglycerol-modified silicone in Shioya is liquid according to the description of Examples. Therefore, polyglycerol-modified silicone of Shioya is not "the cross-linked silicone which can swell up when it contains oil" of the present invention.